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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,920	12/28/2006	Philip J. Simpson	ICUMM.000GEN	1318

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EXAMINER	
BOSWORTH, KAMI A	

ART UNIT	PAPER NUMBER
3767	

NOTIFICATION DATE	DELIVERY MODE
03/11/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/584,920	SIMPSON ET AL.	
	Examiner	Art Unit	
	KAMI A. BOSWORTH	3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/23/2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/29/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 7-10, 14-21, and 26-30 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). It is noted that although claims 8, 16, and 29 are not multiple dependent claims, they are objected to as being dependent on multiple dependent claims which depend from other multiple dependent claims. Further, it is suggested that upon correction of the objected claims, attention is paid to the dependency to ensure proper antecedent basis.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14 and 20-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Philips (PG PUB 2004/0124389).

4. Re claim 1, Philips discloses a valve assembly 19 (Fig 2) comprising a male luer end portion 20 (Fig 2), a female luer end portion 94 (Fig 2) and a channel (as seen in

Fig 5) for the transfer of fluids between the male and female luer end portions, valve means 70 (Fig 3) movable between a closed position (Fig 3) and an open position (Fig 5), biasing means 90 (Fig 3) for biasing the valve means toward the closed position (Para 54), and actuating means 78 (Fig 3) extending into the male luer end portion and coupled to the valve means to actuate the valve means when a female luer end portion 26 (Fig 3) of a medical accessory 24 (Fig 1) is coupled with the male luer end portion (Para 52).

5. Re claim 2, Philips discloses that the male luer end portion has an inner projection 42 (Fig 3) and outer threaded sheath 52 (Fig 3) which is spaced therefrom, the actuating means including an actuating member 78 (Fig 3) positioned between the outer threaded sheath and the inner projection (as seen in Fig 3).

6. Re claim 3, Philips discloses that the valve means includes a valve seat 47 (Fig 3) and a valve member 70 (Fig 3) moveable relative thereto.

7. Re claim 4, Philips discloses a first channel portion 86 (Fig 5) adjacent the female luer end portion, the inner projection including a second channel portion 46 (Fig 5), the valve member having a valve channel portion 21 (Fig 5) in fluid communication with the first and second channel portions (Para 61).

8. Re claim 5, Philips discloses that the valve seat is formed in the second channel portion (as seen in Fig 5).

9. Re claim 6, Philips discloses that the valve member is integrally formed with the female luer end portion (as seen in Fig 3).

10. Re claim 7, Philips discloses a housing portion (characterized by sheath 52, Fig 3), wherein the valve member includes an anchor flange 59 (Fig 3) extending outwardly toward an inner surface of the housing portion (as seen in Fig 3).

11. Re claim 8, Philips discloses that the housing portion is coupled to the male luer end portion for movement therewith relative to the valve member (Para 50).

12. Re claim 9, Philips discloses that the male luer end portion engages the anchor flange when the valve means is in the closed position (as seen in Fig 3) and the male luer end portion-is spaced from said-anchor flange-when the valve means is in the open position (as seen in Fig 5).

13. Re claim 10, Philips discloses that the housing portion terminates at an end region adjacent the female luer end portion (as seen in Fig 2), the biasing means includes a compression spring 90 (Fig 3; Para 54) located within the housing portion between the end region and the outer anchor flange (as seen in Fig 3).

14. Re claim 11, Philips discloses a medical dispensing device (syringe; Para 48) comprising a body 22 (Fig 1) having a chamber (inherent) therein to contain a fluid material, a valve assembly 19 (Fig 2) in fluid communication with the chamber, the valve assembly having a male coupling member 20 (Fig 2) for engaging a female coupling member 26 (Fig 3) on a medical accessory 24 (Fig 1) to form a fluid coupling between the medical dispensing device and the medical accessory, the valve assembly further comprising flow control means 70 (Fig 3) operable to control fluid flow through the male coupling member, the flow control means being operable to be displaced by the female coupling member to open the male coupling member when the female coupling member

is operatively connected therewith (Para 52), the flow control means being operable to be displaced by the female coupling member to close the male coupling member when the female coupling member is disconnected therefrom (Para 52).

15. Re claim 12, Philips discloses that the male coupling member includes an inner male portion 42 (Fig 3) and an outer sheath portion 52 (Fig 3) spaced therefrom to form a passage 61 (Fig 2) therebetween for receiving the female coupling member, the flow control means including at least one valve actuating portion 78 (Fig 3) positioned in the passage to abut the female coupling member and to displace the valve member during the travel of the female coupling member along the passage (as seen in Fig 3; Para 52).

16. Re claim 13, Philips discloses that the valve assembly includes a valve member 70 (Fig 3) and a valve seat 47 (Fig 3), the valve member positioned against the seat to close the male coupling member (as seen in Fig 3).

17. Re claim 14, Philips discloses that the valve actuating portion includes a pair of abutment elements 78 (Fig 3) which are spaced from one another along the passage to receive the female coupling member therebetween (Para 53), wherein the pair of abutment elements are operable to travel with the female coupling member along the passage (Para 52).

18. Re claim 20, Philips discloses that the valve actuating portion is longitudinally oriented relative to the passage and the abutment elements are positioned along the actuating portion (as seen in Fig 3).

19. Re claim 21, Philips discloses that the valve member includes a back plate 56 (Fig 2) and a plurality of actuating portions 78 (Fig 3) equally spaced on the back plate, each of the actuating portions having first and second abutment elements 79, 84 (Fig 7).

20. Re claim 22, Philips discloses a medical dispensing device (syringe; Para 48) comprising a body 22 (Fig 1) having a chamber (inherent) therein to contain a fluid material and a valve assembly 19 (Fig 2) in fluid communication with the chamber, the valve assembly having a male coupling member 20 (Fig 2) for engaging a female coupling member 26 (Fig 3) on a medical accessory 24 (Fig 1) to form a fluid coupling between the medical dispensing device and the medical accessory, the male coupling member including a projection 70 (Fig 3) and an outer valve member 42 (Fig 3) movable relative to the projection, the projection and the outer valve member forming a fluid channel 21 (Fig 2) therebetween, a sheath portion 52 (Fig 3) encircling the projection and spaced therefrom to form a passage 61 (Fig 2) to receive the female coupling member, the valve member being engageable with the female coupling member and movable relative to the projection to open the fluid channel when the female coupling member is connected with the male coupling member (Para 52).

21. Re claim 23, Philips discloses that the valve member forms an outer surface of the male coupling member (as seen in Fig 3).

22. Re claim 24, Philips discloses biasing means 90 (Fig 3) to bias the valve member toward an engaged position with the projection to close the fluid channel (Para 54).

23. Re claim 25, Philips discloses that the passage ends at an inner wall (as seen in Fig 3), and the biasing means includes a spring 90 (Fig 3; Para 54) located between the inner wall and the valve member (as seen in Fig 3).

24. Re claim 26, Philips discloses that the projection is fixed to the body (via 90, Fig 3; Para 50).

25. Re claim 27, Philips discloses that the projection includes an inner passage 46 (Fig 5), the inner passage having one end which is open to the chamber and another end which is open to the fluid channel (as seen in Fig 5).

26. Re claim 28, Philips discloses that the projection includes an enlarged end portion 75 (Fig 3), the valve member including an outer portion 47 (Fig 3) arranged to engage the enlarged end portion to close the fluid channel (Para 55).

27. Re claim 29, Philips discloses that the enlarged end portion and the outer end portion on the valve member have mating bevelled surfaces (as seen in Fig 3).

28. Re claim 30, Philips discloses a female coupling member 26 (Fig 3) which has a leading segment 32 (Fig 3), the valve member being dimensioned to fit within the leading segment (as seen in Fig 5).

29. Claims 11, 12, and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. (PG PUB 2005/0015075).

30. Re claim 11, Wright et al. disclose a medical dispensing device 23 (Fig 2) comprising a body 23 (Fig 2) having a chamber (fluid line) therein to contain a fluid material, a valve assembly 8 (Fig 2) in fluid communication with the chamber, the valve assembly having a male coupling member 12 (Fig 2) for engaging a female coupling

member 10 (Fig 2) on a medical accessory 22 (Fig 2) to form a fluid coupling between the medical dispensing device and the medical accessory, the valve assembly further comprising flow control means 19 (Fig 2) operable to control fluid flow through the male coupling member, the flow control means being operable to be displaced by the female coupling member to open the male coupling member when the female coupling member is operatively connected therewith (Para 36), the flow control means being operable to be displaced by the female coupling member to close the male coupling member when the female coupling member is disconnected therefrom (Para 36).

31. Re claim 12, Wright et al. disclose that the male coupling member includes an inner male portion 24 (Fig 2) and an outer sheath portion 13 (Fig 2) spaced therefrom to form a passage therebetween for receiving the female coupling member (as seen in Fig 3), the flow control means including at least one valve actuating portion 21 (Fig 2) positioned in the passage to abut the female coupling member and to displace the valve member during the travel of the female coupling member along the passage (Para 33, 34).

32. Re claim 15, Wright et al. disclose that the valve actuating portion includes a locking flange 27 (Fig 2) and the valve assembly includes a locking seat 32 (Fig 2) to receive the locking flange when the male coupling member is in the closed position.

33. Re claim 16, Wright et al. disclose that the valve actuating portion has a distal end region, the locking flange being located adjacent the distal end region (as seen in Fig 2).

34. Re claim 17, Wright et al. disclose that the locking seat is formed in the outer sheath portion (as seen in Fig 2).

35. Re claim 18, Wright et al. disclose that the valve actuating portion is arranged to flex in order to displace the locking flange from the locking seat (Para 33, 34).

36. Re claim 19, Wright et al. disclose that the locking flange is adjacent an abutment element 28 (Fig 2) (as seen in Fig 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMI A. BOSWORTH whose telephone number is (571)270-5414. The examiner can normally be reached on Monday - Thursday, 7:00 am to 4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. A. B./
Examiner, Art Unit 3767
/Kevin C. Sirmons/
Supervisory Patent Examiner, Art Unit 3767